

AO 91 (Rev. 08/09) Criminal Complaint

Felony

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States of America
v.
Favian Anthony Vega/Owner/Giannico Corporation
YOB: 1991 Citizenship: U.S. Citizen

Case No. *B-17-411-mj*

United States District Court
Southern District of Texas
FILED

APR 17 2017

*Defendant(s)***CRIMINAL COMPLAINT**

David J. Bradley, Clerk of Court

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 1, 2014 in the county of Cameron in the
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

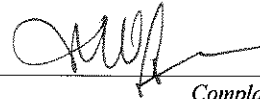
18 U.S.C. 1546

Fraud and Misuse of visas, permits, and other documents: knowingly prepared and submitted a fraudulently obtained Labor Certification, fraudulent I-129 petitions, and fraudulent supporting documentation resulting in the approval of H-2B visas

This criminal complaint is based on these facts:

See Attachment "A"

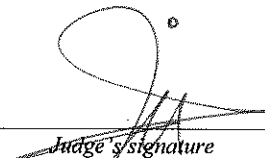
✓ Continued on the attached sheet.


Complainant's signature

Marisella Valenzuela, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/17/2017

*Judge's signature*City and state: Brownsville, Texas

U.S. Magistrate Judge Ignacio Torteya III

Printed name and title

2019-411-mj
United States District Court
Southern District of Texas
FILED

APR 17 2017

David J. Bradley, Clerk of Court

ATTACHMENT A:

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Marisella Valenzuela, ("Your affiant"), being duly sworn, hereby depose and state the following:

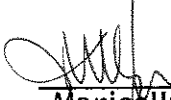
1. I am a Special Agent (SA) for Homeland Security Investigations (HSI), a division of the Department of Homeland Security (DHS) formed on March 1, 2003. I have been so employed since 2004. I am trained as a federal law enforcement officer responsible for conducting criminal investigations of alleged violations of federal law, with a focus on document and benefit fraud.
2. As a criminal investigator for HSI, I have performed and continued to perform various duties which include conducting investigations regarding document and benefit fraud.
3. I am making this sworn Affidavit in support of an Application in the United States District Court for an Arrest Warrant for Favian Anthony VEGA.
4. The information contained in this affidavit is known by me personally, has been told to me by other law enforcement officers, third party witnesses, or obtained from business or public records examined by me. The information in this affidavit is provided for the purpose of establishing probable cause. The information is not a complete statement of all the fact related to this case.

FACTS AND PROBABLE CAUSE

5. On or about February of 2014, HSI Harlingen, Texas received information from the Department of Homeland Security (DHS), United States Citizenship and Immigration Service (USCIS), regarding a first time petitioning entity, Giannico Corporation (Giannico Corp.).
6. During the 2014 H-2B visa season, Favian Anthony VEGA (VEGA), in his role as President of Giannico Corp., did petition the Departments of Labor, Homeland Security, and State for H-2B (Temporary Non-Agricultural) visa workers through the use of

Giannico Corp., for purposes other than those declared on the applications and documentation submitted to governmental entities.

7. On or about April 11, 2014, VEGA, in his role as President of Giannico Corp., submitted two H-2B Applications for Temporary Certification to the U.S. Department of Labor (DOL) for 45 and 59 H-2B visa beneficiaries, respectively, which were ultimately certified.
8. As part of this application process, VEGA provided a contract and work order drawn between Giannico Corp. and Goodman Networks in the amount of \$9,641,000.00.
9. On June 17, 2016, Your affiant met with and interviewed representatives from Goodman Networks. During this interview, it was determined that the Giannico Corp. contract and work order were fraudulent and that Goodman Networks had at no time entered into contract with Giannico Corp. or VEGA.
10. Based on the interview with Goodman Networks, it was Your affiant's suspicion that fraudulent activity related to VEGA and Giannico Corp. had transpired.
11. On August 8, 2016, Your affiant met with and interviewed VEGA. During the interview, VEGA admitted that the contract and work order between Giannico Corp. and Goodman Networks were fraudulent and that he, himself, had manufactured both documents.
12. There is probable cause to believe that VEGA, in his role as President of Giannico Corp., did engage in fraud as it relates to the H-2B visa application process by knowingly submitting a fraudulent contract and work order in order to obtain a labor certification from DOL. In turn, USCIS would not have approved VEGA's H-2B petitions requesting 45 and 59 beneficiaries. Finally, H-2B visas would not have been issued by DOS to the beneficiaries petitioned for by Giannico Corp.
13. Your affiant, therefore, respectfully requests that the attached warrant be issued authorizing the arrest of VEGA.
14. Your Affiant further requests that this sworn Affidavit and its contents be Sealed by the Court until such time as the Court deems necessary in the interest of justice.



Marisella Valenzuela,
HSI Special Agent

Sworn to and subscribed before me on the 17th day of April, 2017,
in Brownsville, Texas.



Ignacio Tortéya, III
U.S. Magistrate Judge